

PDR No. 0021-17

KAITLYN RITCHERSON	§	IN THE TEXAS COURT OF CRIMINAL APPEALS
	§	FILED 6/21/2017
v.	§	ABEL ACOSTA, CLERK
	§	CRIMINAL APPEALS
STATE OF TEXAS	§	AT AUSTIN, TEXAS

PETITIONER'S SECOND MOTION FOR EXTENSION OF TIME TO FILE
MERITS BRIEF DISCRETIONARY REVIEW

TO THE HONORABLE JUSTICES OF SAID COURT:

Now comes KAITLYN RITCHERSON, Petitioner in the above styled and numbered cause, and moves this Court for an extension to a final extension, to June 26, 2007 to file the Merits Brief on Discretionary Review, and would show as follows:

1. Petitioner has been convicted for the offense of Murder and has been assessed a sentence of 25 years.
2. The Third District Court of Appeals issued an published decision in this case on August 31, 2015. *Kaitlyn Lucretia Ritcherson v. State of Texas*, 03-13-00804 (Tex.App.- Austin, August 31, 2015). Following the grant of Petitioner's post-conviction writ of habeas corpus to file an out-of-time appeal, Petitioner timely filed a PDR in this Court.
3. On May 3, 2017, this Court granted Petitioner's PDR and directed

Petitioner to file a Merits Brief in this Court by June 2, 2017. Petitioner requested an extension, which was granted to June 19, 2017.

5. Petitioner is substantially complete with the Merits brief in this case, but has been unable to complete the file the brief by June 19, 2017. Counsel for petitioner simply not been able to complete the brief due to his daily court schedule since the last motion for extension was filed, coupled with his work on the following appellate and post-conviction matters which have come due, or which are coming due in June and early July:

- a. *USA v. Quincy Goodson* – appellate brief was filed in the 5th Circuit Court of Appeals on June 17, 2017.
- b. *State of Texas v. Jason Strutz* – appellate brief over due in the Third District Court of Appeals and is subject to an absolute deadline of June 30, 2017; and,
- c. *Ex parte Elijah Joubert* – fact-findings are due in the 351st District Court of Harris County, Texas on July 7, 2017.

Counsel has, by necessity, been working on the foregoing matters concurrently. Counsel has not been able to re-schedule the above cases, nor has he been able to re-schedule the daily court settings. However, as noted above, counsel is substantially complete with the brief in the present case, but requires

approximately 2 -3 more days to complete the Merits brief.

6. Accordingly, the undersigned counsel requests this Court extend the deadline to file the Merits brief in this case to June 26, 2017.

7. This motion is filed one day out-of-time. Petitioner requests this Court accept the motion as if filed timely.

WHEREFORE, PREMISES CONSIDERED, Petitioner prays that this Court grant this Motion and extend the due date in this case to June 26, 2017.

Respectfully submitted,

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Attorney for Kaitlyn Lucretia Ritcherson

CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2017, a copy of the above and foregoing motion has been served by mail upon the Travis County District Attorney's Office, at the

following address:

Travis County District Attorney
Appellate Division
P.O. Box 1748
Austin, TX 78767

upon the State Prosecution Attorney by U.S. Mail at the following address:

State Prosecuting Attorney
P.O. Box 13046
Capitol Station
Austin, Texas 78711

/s/ *Alexander L. Calhoun*
_Alexander L. Calhoun